

**MINUTES OF THE
GOVERNMENT OPERATIONS INTERIM COMMITTEE**

Wednesday, October 20, 2004 – 2:00 p.m. – Room W020 House Building

Members Present:

Sen. John W. Hickman, Senate Chair
Rep. James A. Ferrin, House Chair
Sen. Beverly Evans
President Al Mansell
Sen. Michael Waddoups
Rep. Doug Aagard
Rep. Ron Bigelow
Rep. DeMar "Bud" Bowman
Rep. Don E. Bush
Rep. Neal B. Hendrickson
Rep. Fred R. Hunsaker
Rep. Eric Hutchings

Rep. Roz McGee
Rep. Karen Morgan
Rep. Peggy Wallace

Members Absent:

Sen. Ron Allen

Staff Present:

Mr. John L. Fellows, Deputy General Counsel
Mr. Eric N. Weeks, Associate General Counsel
Ms. Cassandra N. Bauman, Legislative Secretary

Note: A list of others present and a copy of related materials can be found at www.leg.utah.gov or by contacting the committee secretary, Cassandra Bauman, at 538-1032. A recording of the meeting is available from the committee secretary.

1. Committee Business

Chair Ferrin called the meeting to order at 2:20 p.m.

MOTION: Rep. Bush moved to approve the minutes of the September 15, 2004 meeting. The motion passed unanimously with Sen. Hickman absent for the vote.

2. Signature Verification on Initiative Petitions

Mr. Weeks discussed Utah Supreme Court case *Page v. McKeachnie* and indicated that the court addressed two primary issues for review: (1) evaluation methods need to be applied uniformly and (2) clearer standards need to be established for verifying signatures on initiative petitions.

Ms. Amy Naccarato, Director, Election's Office, distributed "Utah Clean Water, Quality Growth and Open Space Initiative Sample Petition." In response to the case, she stated that she has met with county clerks and that the recommendations are (1) requiring the signer to provide a date of birth, (2) requiring the address and name of signer to match exactly as registered, or (3) comparing the signature on petition to the signature on the voter registration form.

Chair Ferrin directed staff to work with Rep. Hutchings to draft legislation to allow the initiative petition to include a place for a birth date, which would be used when a question of validity was present.

Ms. Carla Moquin expressed concern that voters may not sign a petition if the voter is concerned about the privacy issue of providing a birth date. She stated that the voters should be informed that the birth date is not required, but is a means of identifying the voter when there is a question of registration.

3. Election Reform Update

Ms. Naccarato updated the Committee on the state's efforts to comply with HAVA (Help America Vote Act). She indicated that an information pamphlet has been created to train county clerks and election judges on new laws and improved election procedures. She stated that there will be a display of the proposed voting equipment on December 10, 2004 at the South Towne Exposition Center that is open to the public for input. She clarified that HAVA does not require elimination of the punch card; it requires one piece of electronic voting equipment in each voting precinct to accommodate persons with disabilities.

Ms. Moquin opined that the voter verifiable paper ballot should be required in purchasing electronic voting equipment.

Mr. Phil Windley distributed and read "Testimony on Voting Equipment Selection."

Ms. Fraser Nelson, Director, Disability Law Center, indicated that people with disabilities are being educated on their right to vote and their options for voting. She indicated that an election day hotline has been implemented to assist individuals with problems they might have assisting people with disabilities in voting.

Dr. Ken Larsen opined that the federal government does not have authority to tell the states how to run their elections. He stated that a paper audit trail is important and that an election system should be flawless with no possibility of fraud.

Ms. Sandy Peck, Utah League of Women Voters, distributed "Voting Equipment Selection" and stated that there is a good system in place that protects citizens in their right to vote. She indicated that the League discussed changing voting systems and whether a paper audit trail should be included. She stated that the League concluded that regardless of which voting system is chosen, it should meet four tests: (1) security, (2) accuracy, (3) recount ability, and (4) accessibility.

Ms. Cathy Dopp, founder, Utah Count Votes, distributed "Summary: Utah Voting Equipment Selection Advice," comments from Professor John Carter, and "Electronic Voting System: the Good, the Bad, and the Stupid." She expressed concern for computer scientists being left out of the selection process.

Mr. Don Mignola, Common Cause of Utah, recommended having votes transferred to a ballot precinct computer after each voter finalizes his ballot and the machine which the voter used be erased. He recommended that the ballot precinct computer print a paper copy of each ballot, which would eliminate the need for a printer at each piece of voting equipment and increase voter confidence.

Mr. John Forseman, Utah Count Votes, opined that paper ballots are important for numerous reasons including the not unlikely possibility of a power outage which would disrupt the elections process. He opined that voting equipment should be independent and not attached to any other equipment to prevent voter fraud.

4. Bond Election Process Amendments

Mr. Weeks distributed and reviewed "Bond Election Process Amendments."

Rep. Hutchings suggested including in the legislation a notification if approval of the bond would result in a tax increase.

Mr. Brandon Johnson, Chapman and Cutler, stated that the language in the legislation should be kept as "municipal bond." He indicated that the legislation will be beneficial.

5. Procurement Code Renumbering

Mr. Weeks indicated that the current Procurement Code does not follow the Legislature's standard for numbering and stated that the Office of Legislative Research and General Counsel has been bringing the Code up to date.

Sen. Evans suggested that staff bring legislation renumbering the Procurement Code back to the Committee at its next meeting for a vote.

6. Other Items / Adjourn

Chair Ferrin adjourned the meeting at 3:58 p.m.